

COMMUNITY AFFAIRS

DIVISION OF CODES AND STANDARDS

Uniform Construction Code

Rehabilitation Subcode Code Change Proposals

Proposed Amendment: N.J.A.C. 5:23-3.13

Authorized by: Susan Bass Levin, Commissioner, Department of Community Affairs

Authority: N.J.S.A. 52:27D-124

Proposal Number: PRN 2004-

Calendar: See Summary below for explanation of exception to calendar requirement.

Submit written comments by: May 11, 2004 to:

Michael L. Ticktin, Esq.

Chief, Legislative Analysis

Department of Community Affairs

P.O. Box 802

Trenton, NJ 08625-0802

Fax Number: (609) 633-6729

SUSAN BASS LEVIN, Commissioner

The agency proposal follows:

Summary

Since the adoption of the Rehabilitation Subcode (N.J.A.C. 5:23-6) into the State Uniform Construction Code (UCC) in 1998, the Department has solicited proposals for annual code changes to the Rehabilitation Subcode to eliminate any unnecessarily restrictive or obsolete requirements and to ensure that the provisions of the subcode are consistent with current construction practices. In order to facilitate and streamline the submission of Rehabilitation Subcode code change proposals by proponents, the Department has regularly provided a Rehabilitation Subcode Code Change Proposal form in the *Construction Code Communicator*, which is a newsletter published by the Department three times per year that provides subscribers with information on emerging construction issues.

This rule amendment, at N.J.A.C. 5:23-3.13, would provide that proponents for code changes may submit Rehabilitation Subcode code change proposals to the Department at any time and that those proposals submitted by January 31 will be considered with the changes received during the previous calendar year. In addition, language would be incorporated into the UCC to list the items that constitute a valid Rehabilitation Subcode code change proposal so that proponents may submit code change proposals without the prescribed form. The Rehabilitation Subcode Code Change Proposal form would be included in the UCC as an appendix for the convenience of code users. Finally, where appropriate, “model” would be inserted before “code” in the existing rule text to provide a distinction between proposals for changes to the model construction codes and proposals for changes to the Rehabilitation Subcode of the UCC.

As the Department has provided a 60-day public comment period on this notice of proposal, this notice is exempted from the rulemaking calendar requirement, pursuant to N.J.A.C. 1:30-3.3(a)5.

Social Impact

The proposed amendments would have a positive social impact by making it clear that Rehabilitation Subcode code change proposals may be submitted to the Department at any time and by providing the items that are required for code change proposals, which would facilitate the Department's effort to update the Rehabilitation Subcode. Making regular updates to the Rehabilitation Subcode ensures a more consistent enforcement of the UCC.

Economic Impact

The Department does not anticipate that the proposed amendments would have any positive or negative economic impact.

Federal Standards Statement

No Federal standards analysis is required because these amendments are not being proposed in order to implement, comply with, or participate in any program established under, Federal law or under a State law that incorporates or refers to Federal law, standards, or requirements.

Jobs Impact

The Department does not anticipate that any jobs would be created or lost as a result of these proposed amendments.

Agriculture Industry Impact

The Department does not anticipate that the proposed amendments would have any impact on the agricultural industry.

Regulatory Flexibility Statement

The Department does not anticipate that the proposed amendments would have any impact on small businesses. These proposed amendments provide requirements for the submission of Rehabilitation Subcode code change proposals to the Department and would not impose any, compliance, record-keeping or reporting requirements on "small

businesses,” as defined by the New Jersey Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq.

Smart Growth Impact

The Department does not anticipate that the proposed amendments would have any impact upon either the achievement of "smart growth" or implementation of the State Development and Redevelopment Plan.

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

5:23-3.13 [State-sponsored code change proposals] **Code change proposals**

(a) State-sponsored model code change proposals

[a]**1.** Any municipality, other political subdivision, or agency of the State seeking to submit a [“]State-sponsored **model** code change proposal[”] shall do so not less than 90 days prior to the code change meeting of the model code adoption agency for which the amendment is **being** proposed.

[b]**2.** Such proposal shall be on a form provided by the model code organization where one is available. If none is available, such proposal shall state the name and address of the official proposing the **model** code change, the agency or political subdivision represented, the text of the amendment suggested and an explanation of the amendment together with any technical justification deemed necessary by the proponents.

Redesignate (c) as 3. (No change in text.)

[d]**4.** Copies of the submitted applications for **model** code change proposals, transcripts of hearings on such applications, and State-sponsored **model** code change proposals, as adopted, shall be available from the [department] **Department** at a fee of \$.50 per page.

[e]5. Whenever a model code change hearing is scheduled so as not to [permit] allow adequate time to meet the procedures set forth in this section and in N.J.S.A. 52:27D-124 of the Act, the Commissioner may hold a hearing and require the advice of the [code advisory board] Code Advisory Board within a lesser time period, as the situation dictates.

(b) Rehabilitation subcode code change proposals

1. Proposals for code changes to the rehabilitation subcode (N.J.A.C. 5:23-6) may be submitted to the Department at any time. Those rehabilitation subcode code change proposals submitted by January 31 shall be considered with the changes received during the previous calendar year.

2. A rehabilitation subcode code change proposal shall include the following information:

i. The name, organization, mailing address, telephone number, facsimile number, and e-mail address of the proponent of the proposed code change.

ii. The primary section of the rehabilitation subcode proposed for change and any other section(s) where corresponding changes are required. Language proposed for deletion shall be presented in brackets and language proposed for addition shall be underlined.

iii. A description and supporting statement for the proposed code change.

3. Rehabilitation subcode code change proposals may be submitted on the form provided in Appendix 3-A.

4. Rehabilitation subcode code change proposals shall be submitted to the Code Development Unit, Department of Community Affairs, Division of Codes and Standards, Post Office Box 802, Trenton, New Jersey 08625. Code change proposals may be faxed to the Code Development Unit at (609) 984-7717 or (609) 633-6729.

5. A public hearing for rehabilitation subcode code change proposals shall be held prior to a scheduled Code Advisory Board meeting. The date and time of the public hearing on rehabilitation subcode code change proposals may be obtained by contacting the Code Development Unit at (609) 984-7609.

Appendix 3-A

NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS
DIVISION OF CODES AND STANDARDS
CODE CHANGE PROPOSAL
REHABILITATION SUBCODE (N.J.A.C. 5:23-6)

Proposals must be presented with language proposed for deletion in brackets [].
Proposals must be presented with language proposed for addition underlined .

Mail code change proposals to:
Code Development Unit
Department of Community Affairs
Division of Codes and Standards
Post Office Box 802
Trenton, New Jersey 08625

Fax code change proposals to:
Code Development Unit
(609) 984-7717 or
(609) 633-6729

Direct questions to the Code Development or Code Assistance Units at (609) 984-7609.

Section (citation) proposed for change: _____

Sections (companion changes) that might also need to be changed:

NAME: _____

ORGANIZATION (if any): _____

ADDRESS: _____

TELEPHONE: _____ **FAX:** _____ **E-mail:** _____

Proposed Code Change:

Supporting Statement (reason for code change):
